

**CITY OF FITCHBURG
CONSERVATION COMMISSION
DRAFT MEETING MINUTES**

TUESDAY, JANUARY 27, 2009

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Phil Chalifoux, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders (associate member)

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

COMMUNICATIONS

Memo from City Property Committee re: petition to transfer control of approx. 60 acres off Airport Road to Fitchburg Redevelopment Authority for development of an industrial park.

Mike D said he had proposed a plan in 1986 for an industrial park on this site. It was rejected by the FRA at the time. He is disappointed that now it is proposed as the site of an industrial park. He suggested look into swapping ConCom land on Airport Road adjacent to Fiore to use instead of this parcel.

Consensus: Reply – Thank committee for information. ConCom wants to continue to be informed in the future on this project.

Coggshall/Bird Sanctuary

Atty. John Barrett (Asst. City Solicitor) in to discuss encroachments.

Background: Ross Assocs. survey in 2006 had noted several encroachments on Coggshall Park but the one at 520 Mt. Elam Rd. (Bouchard) is on ConCom property, not Park land (a tree house and a cleared area for part of his yard). A City Council Order in 1971 had transferred control of six parcels, including the one with encroachment. The Order "hereby turns over to the jurisdiction and control of the Fitchburg Conservation Commission for use by it as conservation park property ..."

Mike D. - figure out economic loss to C. of F. with the removal of trees.

Harry suggested removal of encroachments & restoration.

Commission not in favor of granting license to Bouchard to allow encroachment to remain as long as current owner is there, as had been suggested by Atty. Watts to Parks Bd.

Agreed: Commission wants encroachments removed and a restoration plan submitted. Plan to include removal of non-native ornamentals that have been planted. Commission will then comment on the plan. Atty. Barrett will convey that to Atty. Watts.

Gateway Parks

David Streb gave an update on program -- Intended to acquire 41 Sheldon St. and develop into a park. Commission will be invited to participate in design.

PUBLIC HEARINGS

Notices of Intent - Labell Construction, Depot & Fairmount St., nine our two-unit dwellings (continued)

Hearing continued to the February meeting at the request of the applicant

Notice of Intent - "Balsam Heights" 20-lot subdivision, Fisher Rd. (continued)

Hearing continued to the February meeting at the request of the applicant

Letter from Mr. & Mrs. Lagasse, New West Townsend Road was read by members

Request for Determination of Applicability - DeCaria, 1510 Pearl Hill Rd..

Mr. DiCaria and Craig Stevenson (contractor) described plan – demolish of existing garage & replace with 44' x 44' garage / storage barn. He showed photos of area prior to snow cover. Tim has viewed site & there doesn't appear to be any resource areas.

Tim asked – why file RDA? Mr. Stevenson: Just to dot I's & cross T's.

Tim recommended that the Commission issue a Negative Determination.

Motion made & seconded to issue Negative Determination.

Vote 4-0 in favor.

Notice of Intent - Callahan, two single-family dwellings, adjacent to 125 Sanborn St.

Mr. Callahan & Tim Beauchemin, P.E. presented plan. Showed photos of existing garage to be torn down. Additional review fee rec'd.

Tim reviewed his comments with Commission.

Tim B responded: He didn't see any BVW since such a steep slope, but he'll have his wetlands consultant verify.

Demarcation of a "no touch" area – they can do as they had proposed on Frederick St. site recently.

Tim: stockade fence at edge of yard as proposed will lead to dumping leaves, etc. over it.

Mike suggested demarcation with 4 x 4 posts.

Kevin suggested plantings as demarcation.

Tim B. re: gully raised in Tim's letter – He will line it with geotextile & rip-rap so gully doesn't get worse.

Tim likes idea of plantings.

Tim B. will address alternatives analysis with his wetlands consultant.

He is requesting waivers on providing certain information as suggested in Tim's comments # 11 & 12.

Agreed:

- 4 x 4 PT posts 20 feet o.c., approx. 5 feet off edge of limit of disturbance line.
- ConCom will provide tags with language ("No Disturb") at a later date to affix to posts.

Hearing continued to Feb. 24

Tim B will submit revised plan 1 week prior.

OTHER BUSINESS:

Proposed Conservation Restriction for Northern Watershed

Denis Meunier, Water Dept. and Brandon Kibbe, Fish & Game present.

Al Futterman, NRWA and Neal Anderson also present in support of the CR. Matter had been referred to Commission by City Council for comment.

Denis gave background – proposal to place CR on 1,700 acres of northern watershed in Fitchburg & Ashby for approx. \$1 million. Fish & Game has an MOU with City. Latest draft of CR was reviewed. 50% of the proceeds are restricted to acquiring other watershed land.

Brandon – having funds set aside will put Fitchburg in good position for acquiring additional land (for example, drinking water supply protection grants) & for future opportunities for F&W to acquire more land in area.

No swimming on the reservoirs will be allowed as long as they're an active water supply.

Denis: will probably have just one reservoir guard. He's confident he can police with existing personnel.

Brandon – Fish & Game doesn't actively promote these areas for hunting, like they do with Wildlife Mgmt. Areas. From past experience, he doesn't see that there will be much additional use that much. There will probably be more fishing from the shoreline though.

Denis - ATV use of trails is happening already – same few folks.

Brandon – part of CR requires that a Land Management Plan be prepared. Will want representation of Boards and Commission, Fish & Game, abutters, etc.

Tom – wants preparation of Land Mgmt Plan by a broad representation. Have public hearing, invite abutters.

Brandon – would like a Land Management Plan in place before the recording of the CR, or before July 1.

Mike: suggested allow volunteer enforcement – the more eyes & ears on property the better.

Mike: who keeps eye on the \$\$ rec'd from sale?

Denis: is proposed to go into Water Enterprise fund.

Mike: the Enterprise Fund has been misused in the past.

Brandon – usually 75% of the proceeds is restricted to acquiring other watershed land. Fish & Game has agreed to reduce to 50%. He'd like it to be 100%

Denis wants the other 50% to be used toward enforcement, reservoir guard, administration of watershed protection, etc. -- not watermain. He wouldn't be surprised if that were changed.

Discussion on how to restrict the other 50% so that it could be used for non-watershed protection purposes.

Discussion of potential wind power locations. Draft CR restricts it to two parcels comprising about 150 acres.

Dave Streb– there may be other areas with wind potential – don't want to sell city short & not be able to use these in future.

Denis would like letter of support from the Commission. Matter is going before the Council next week.

Agreed: Commission supports petition, but would like some control over how the other 50% is spent – not just go into general fund.

Tom will write up comments and go to Council meeting.

Certificates of Compliance were signed for:

155-559, DPW, Putnam St. Bridge repair

155-447, DPW, West WWTP ammonia removal

155-480, Roy, Lot 1 Sheldon Rd. (expired)

Also, Negative Determination of Applicability signed for parcels at end of Oakland Street. ANRAD had been filed two years ago. ConCom had determined no resource areas on site. Never received DEP file # since no fee was included. DEP Central Region suggested Negative Determination was best way to handle & bring closure.

Gary Lorden had asked that Cert of Compliance for Benjamin Bldrs, Victoria Lane be taken up next meeting.

Motion made & seconded to adjourn. Vote unanimous.
Meeting adjourned: 9:30 p.m.

Next meeting: Feb. 24, 2009